

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Jacqueline Honerkamp,

Plaintiff,

vs.

The Charlotte-Mecklenburg Hospital  
Authority, d/b/a Atrium Health<sup>1</sup>;  
Northeast Anesthesia and Pain Specialists,  
P.A.; and Dr. Justin Farmer,

Defendants.

Civil Action No. 1:21-cv-218

**NOTICE OF REMOVAL**

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Defendant The Charlotte-Mecklenburg Hospital Authority, d/b/a Atrium Health (“Defendant Atrium Health” or “Atrium Health”) removes the above-entitled action styled *Jacqueline Honerkamp v. Atrium Health, Inc. Northeast Anesthesia and Pain Specialist, P.A. and Dr. Justin Farmer*, Case No. 21-CV-000531, from the General Court of Justice, Superior Court Division, for Cabarrus County, State of North Carolina, to the United States District Court for the Middle District of North Carolina. Removal Jurisdiction exists under 28 U.S.C. §§ 1331, 1367, and 1441. In support of its Notice of Removal, Defendant Atrium Health states as follows:

**INTRODUCTION**

1. On February 15, 2021, Plaintiff Jacqueline Honerkamp (“Plaintiff”) commenced this action by filing a Complaint in Cabarrus County Superior Court, Case

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<sup>1</sup> Plaintiff’s Complaint incorrectly names “Atrium Health, Inc.” as a Defendant Atrium Health in this matter. The correct Defendant Atrium Health entity in this matter is the Charlotte Mecklenburg Hospital Authority d/b/a Atrium Health, which respectfully requests that the correct entity name be substituted in this lawsuit’s caption.

No. 21-CV-000531 (“Complaint”). A true and accurate copy of the Complaint is attached hereto as Exhibit A.

2. On February 18, 2021, Defendant Atrium Health was served with a copy of the Complaint and Summons. True and accurate copies of the Complaint and Summons served upon Defendant Atrium Health are attached hereto as Exhibits A and B, respectively.

3. The Complaint and the Summons attached as Exhibits A and B constitute all of the process, pleadings, and orders served upon Defendant Atrium Health in this action. Defendant Atrium Health has filed no pleadings in the Superior Court in this action.

## **I. JURISDICTION AND VENUE**

1. Venue is proper in the United States District Court for the Middle District of North Carolina, as this case was originally filed in Cabarrus County, North Carolina. *See* 28 U.S.C. § 1446(a).

2. This Court has subject matter jurisdiction in this case based upon federal question jurisdiction because the crux of Plaintiff’s lawsuit arises under the laws of the United States. Specifically, Plaintiff alleges that she was subjected to sexual harassment and sex discrimination in violation of the Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e, *et seq*, and 42 U.S.C. § 1981(A)(b)(1)<sup>2</sup>.

3. Additionally, although Plaintiff also sets forth additional causes of action against Defendant Atrium Health alleging various state common law claims, these claims

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<sup>2</sup> Defendant Atrium Health contends Plaintiff’s alleged 42 U.S.C. § 1981(A)(b)(1) claim is not an actionable claim. However, Plaintiff’s reference to it confers federal question jurisdiction over this matter nonetheless.

are within the supplemental jurisdiction of this Court under the provisions of 28 U.S.C. § 1367. All of Plaintiff's claims arise from an alleged common nucleus of operative facts and the state law claims are so related to the federal claim that they form the same case or controversy.

4. Pursuant to 28 U.S.C. § 1331, this Court has federal question jurisdiction over this action because claims arising under federal law are federal causes of action over which this Court has original federal question jurisdiction. Further, this Court has supplemental jurisdiction over Plaintiff's remaining state law claims pursuant to 28 U.S.C. § 1367. Thus, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

## **II. PROCEDURAL REQUIREMENTS**

5. This Notice of Removal has been timely filed within thirty (30) days of Defendant Atrium Health's receipt of the Complaint as required by 28 U.S.C. § 1446(b).

6. All defendants who have been properly joined and served join in and consent to the removal of the action.

7. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of Cabarrus County Superior Court and served upon all adverse parties promptly after the filing of the original Notice of Removal in this action. A copy of this Notice is attached hereto as Exhibit C.

## **III. CONCLUSION**

WHEREFORE, having fulfilled all statutory requirements, The Charlotte-Mecklenburg Hospital Authority, d/b/a Atrium Health hereby removes this action from

the General Court of Justice, Superior Court Division, Cabarrus County, North Carolina, to this Court, and requests that this Court assume full jurisdiction over this matter as provided by law.

Dated: March 18, 2021

/s/Jennifer K. Staples

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## CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2021, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, and served the same upon the following counsel of record via U.S. Mail, first class, proper postage affixed thereto and addressed as follows:

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